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SUBJECT: CORRECTED COPY: HFAC STAFFDEL MIXTER DISCUSSES HUMAN RIGHTS AND DEVELOPMENT PROGRAMS

REF: HANOI 598

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¶11. (U) This cable is a corrected copy of Hanoi 1301 of July 24, 2007.

¶12. (SBU) Summary: Visiting Professional Staff Member Jonathan Cobb Mixter told GVN officials in Hanoi the recent wave of arrests and crackdown on political dissidents was causing serious concern on Capitol Hill and could make it harder to facilitate deeper USG engagement with Vietnam; some members of Congress were especially concerned after advocating hard for Vietnam's recent accession to WTO membership and Permanent Normal Trade Relations (PNTR) status. GVN officials told Mixter that recent human rights issues are 'hiccoughs' and implied that Vietnam would make continued progress over time. Mixter also raised the issue of Burma's human rights record and ASEAN's potential role in advocating for change. The delegation visited USG-funded HIV/AIDS sites and discussed overall USG assistance programs. End summary.

¶13. (SBU) Professional Staff Member Jonathan Cobb Mixter and Associate Don Phan of the U.S. House of Representatives Foreign Affairs Committee (HFAC) traveled to Vietnam July 4 - 7, 2007 for meetings in Hanoi and President's Emergency Plan for AIDS Relief (PEPFAR) project site visits in northeast Quang Ninh Province. In Hanoi, Mixter met with the GVN National Assembly (NA) Foreign Relations Committee; the Ministry of Foreign Affairs' (MFA) International Organization's Department; and the GVN Ministry of Justice (MOJ) as well as NGO Asia Foundation - Vietnam and a local "civil society" NGO.

NATIONAL ASSEMBLY: "WE HEAR YOUR MESSAGE"

¶14. (SBU) In a July 5 meeting with Madame Ton Nu Thi Ninh, Vice Chairwoman of the National Assembly's Foreign Relations Committee, HFAC Professional Staff Member Jonathan Cobb Mixter explained that there is growing concern on Capitol Hill that political progress is not matching economic progress in Vietnam. Specifically, several members of Congress are concerned about the GVN's recent crackdown on political dissidents and some are especially concerned given their recent support to the GVN on WTO membership and Permanent Normal Trade Relations (PNTR) status. Mixter stated further that this would make it more difficult for those USG politicians who want to grow engagement with Vietnam and provide greater development assistance here.

¶15. (SBU) Ninh encouraged even more members of Congress and staffers

to visit Vietnam to improve mutual understanding. Ninh noted that she had met HFAC Chairman Representative Tom Lantos in June 2007, during GVN President Triet's visit to the United States. She told Mixter that "absolutely nobody" in the GVN wants to "go back to the way it was before in Vietnam," referring to the pre-Doi Moi (pre-1986 market renovation) period when the GVN followed a strict Marxist-Leninist doctrine, leading the country into famine and international isolation. Ninh asked that the United States take a "longer and broader view" of Vietnam's development. Ninh said "we hear your message" and characterizing recent events (referring to the recent wave of dissident arrests) as assuredly "hiccoughs" in our bilateral relationship. She deflected further discussion of human rights by raising Guantanamo and our policy of "non engagement" with Iran.

¶6. (SBU) On IPR and consumer rights, Mixter explained the correlation between protection of these rights and economic prosperity. Ninh agreed and explained that consumer rights were slowly being established in Vietnam and that there was now a new consumer association. She also noted the growing role of the press in raising such issues in Vietnam. On press censorship, Ninh emphasized that the press has revolutionized the debate on corruption in Vietnam. She also downplayed the level of internet censorship, stating that there were "far fewer firewalls than in China." On trafficking in persons (TIP), Ninh welcomed and requested more U.S. assistance to anti-TIP NGOs operating in Vietnam, specifically asking for USG assistance in facilitating cooperation between the GVN and Taiwan to establish an "assistance hotline" to help deal with problems related to the large number of foreign marriages between Taiwanese men and Vietnamese women.

¶7. (SBU) On Burma, Ninh explained that the GVN was concerned, and "understood the U.S. point of view," but stated that the GVN was reluctant to "cross the line" of ASEAN's policy of non-interference in the internal affairs of member states. Ninh believes that "hard and direct pressure" on Burma will not work, but expressed hope that the potential success of the DPRK six-party talks could serve as an

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"inspiration to Burma" and as a possible international model. She advised Mixter that the USG should not "pre-set" conditions for talking to Burma and should look at a "more strategic" multilateral approach.

MFA: UNDERSTAND VIETNAM'S "COMPLEX SOCIAL CONDITIONS"

¶8. (SBU) At the Ministry of Foreign Affairs, Mixter met with Mr. Vu Anh Quang, Deputy Director General of the International Organizations Department on July 5. While highlighting the overall successful and positive growth in our bilateral relations, Mixter said there was great concern in the U.S. Congress over human rights issues and reports of political detainees. "Many in Congress are supportive of greater engagement between our two countries, but not when the rights of individuals are being violated," he told Quang. Mixter stressed that human rights will always be a foundation of the U.S.-Vietnam relationship for the USG.

¶9. (SBU) Quang responded by agreeing that current relations are the best in history. He stated that disagreements on issues are "normal," but said further that both countries must continue to engage in dialogue on such issues. He noted that the current U.S.-Vietnam human rights dialogue had been particularly helpful in bringing such issues to the forefront. He held that, according to international standards, Vietnam has made enormous progress in the area of human rights. Quang highlighted the fact that Vietnam had ratified UN Conventions on the Elimination of All Forms of Racial Discrimination, Civil and Political Rights (ICCPR), the Elimination of Discrimination Against Women (CEDAW), and the Rights of the Child. Quang added that the GVN is also considering signing the International Convention Against Torture (CAT). He noted that Vietnam ratified these conventions before the USG did; further, that each year the GVN receives UN complaints on human rights issues and convention compliance, and each year the GVN sends out its response

to the UN in a timely manner - adhering to reporting requirements.

¶10. (SBU) When pressed by Mixter on the arrests of political dissidents, Quang responded that he was well aware that recent arrests had garnered attention in the United States and that "no system is perfect," adding that only through continued engagement can these issues be overcome. He said "Vietnam is fully aware of the concern, but the United States must also be aware of the complex social conditions that exist in Vietnam." He elaborated that the USG should be aware of the conflict in Vietnam's history and that, because of this, Vietnam has always sought "stability in order to secure development."

¶11. (SBU) Quang added that "the GVN has released over 20 dissidents since January 2005" and that this year alone the GVN had released three political prisoners, naming recently-released Phan Van Ban, Nguyen Vu Binh, and Le Quoc Quan. Quang stated that individuals who break the law in Vietnam must face appropriate punishment and told us that we should note that the number of former mid-senior level government officials currently in prison (mostly on corruption charges) is higher than the number of incarcerated political dissidents.

¶12. (SBU) Mixter urged the GVN to continue its human rights reforms and pressed for greater freedom of the press in Vietnam; he also hoped the MFA would address the issue of Burma's human rights record within ASEAN. Quang responded that, when it comes to the media, there is "too much freedom," complaining that many journalists often write baseless articles aimed at embarrassing GVN officials, who do not have any legal recourse to defend themselves. Further, when such journalists are confronted they neither respond with a public apology nor retract the article. On a positive note, Quang stated that journalists in Vietnam are eager to write articles on new laws and decrees, and ordinary citizens are not shy about voicing their opinions. On Burma, he took note but deferred to his ASEAN office. Quang concluded the meeting by saying the GVN takes the points on human rights seriously and again highlighted that "through engagement and dialogue" both countries can work through these issues of concern.

MINISTRY OF JUSTICE: COOPERATION ON RULE OF LAW WELCOMED

¶13. (SBU) In a July 5 meeting with Mr. Nguyen Cong Hong, Deputy Director for Criminal and Administrative Legislation at the GVN Ministry of Justice, Mixter focused on what the GVN was doing to reform its criminal code and advance greater judicial reform. Hong responded that the GVN is revising its criminal code and has moved

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away from an "investigative model" to an "accusatory model." He added that this is a positive step but that it has also been difficult because implementation means that training of judges, lawyers and investigators is necessary. Hong added the GVN was hoping to work with the Vietnam Bar Association to increase the knowledge and legal education of its members. When Mixter asked about the types of programs that exist to build capacity, Hong said international cooperation and support for rule of law programs are vital and the GVN looks forward to working with various donors and aid agencies in this area. Hong stated, "Even a good system is bound to fail unless good people are in place." He added that such programs like the USAID Support for Trade Acceleration (STAR) program, which has provided extensive technical assistance to revise Vietnam's economic governance system since 2002, were extremely helpful, and he looks forward to an increase in such programs. Mixter responded that continued progress was essential and encouraged the GVN to work with the Department of State on rule of law issues. He added that when he returned to Washington, he would report that the GVN was interested in pursuing further such programming assistance.

¶14. (SBU) Hong explained that the target of such reforms is to protect the rights of all citizens. He added that such reforms would streamline the GVN judicial system and make it more efficient.

Hong added that the GVN had established a key steering committee, headed by the Prime Minister, to support judicial reform. He noted that this is only the beginning of the process but a relevant example on the amount of attention that is being paid within Vietnam to such reform.

¶15. (SBU) During the meeting, Mixter raised concerns over accusations over use of the Internet and downloading information, which have led to a number of "cyber dissident" arrests. He also asked how other criminal code regulations, such as Article 88, are being used now that Decree 31 has been repealed (Reftel). Hong responded that Internet use has increased rapidly because the GVN has "encouraged its citizens" to use the tool. He stated that he could not respond to specific dissident cases charged under Article 88, but that the MOJ would be reviewing possible changes to the criminal code in the near future. Hong, who appeared eager to share information, noted that the GVN is currently translating the State of California's criminal code in hopes of using it as a model for future reforms. He said the GVN is serious about its intent to have its criminal code conform to international laws and conventions and that the GVN will continue to review the code and take appropriate measures in the future.

¶16. (SBU) With regard to the status of a new GVN draft Amnesty Law, Hong told us that unofficially the National Assembly would be drafting a national amnesty law with specific procedures and guidance. He said the drafting of such a law would end any misunderstanding of when individuals are to receive amnesty.

¶17. (U) This cable was cleared by Jonathan Cobb Mixter, U.S. House of Representatives, Foreign Affairs Committee.

MARINE